

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

----- X
SNMP RESEARCH, INC. and SNMP
RESEARCH INTERNATIONAL, INC.,

Plaintiffs,

v.

BROADCOM INC.; BROCADE
COMMUNICATIONS SYSTEMS LLC; and
EXTREME NETWORKS, INC.,

Defendants.
----- X

Case No. 3:20-cv-00451-CEA-DCP

U.S. District Judge Charles E. Atchley

**EXTREME NETWORKS, INC.’S MOTION FOR LEAVE
TO FILE DOCUMENTS UNDER SEAL**

Extreme Networks, Inc. (“Extreme”), by and through its counsel, pursuant to Federal Rule of Procedure 5.2, Local Rule 26.2, and this Court’s Memorandum and Order Regarding Sealing Confidential Information (ECF No. 11) (“Sealing Order”), seeks leave of this Court to submit its Memorandum of Law in Support of its Motion to Dismiss the Amended Complaint (the “Memorandum of Law”) in redacted form, and to file Exhibit 2 to the Declaration of Leslie A. Demers in Support of Extreme’s Motion to Dismiss the Amended Complaint (“Exhibit 2 to the Demers Declaration”) under seal.

Extreme moves for leave to file a redacted version of the Memorandum of Law because pages i, 1-4, 10-19, and 23-24 of the Memorandum of Law contain information that Plaintiffs have maintained is confidential, including: (1) quotations from a license agreement that Plaintiffs have filed entirely under seal; (2) information pertaining to Plaintiffs’ pricing; and (3) information reflecting financial elements of Plaintiffs’ licensing terms.

Extreme moves to file Exhibit 2 to the Demers Declaration, excerpts of the Software Service Agreement dated October 16, 2001 by and between Extreme and Plaintiffs, under seal in its entirety because the excerpted portions of this agreement reflected in Exhibit 2 disclose Plaintiffs' licensing terms and conditions, and consist of information that is substantially similar to information that Plaintiffs have maintained to be confidential and have sought to seal in the past.

Extreme is not filing this Motion because of an independent reason to request that the information be sealed, and Extreme is mindful of the Court's guidance that "[t]he parties are strongly encouraged to be very selective in the information they seek to seal." (ECF No. 81 at 3.) Extreme is filing this Motion in an abundance of caution because Plaintiffs have sought to seal the same and similar agreements and related information in the past (*see* ECF Nos. 2, 3, 50, 51-3, 223, 224-2, 245), and the Court has previously granted those motions. (*See* ECF Nos. 89, 227, 247).

Pursuant to Local Rule 26.2 and the Court's Sealing Order, Extreme is publicly filing a redacted version of the Memorandum of Law as Exhibit A to this Motion, and a fully redacted version of Exhibit 2 to the Demers Declaration as Exhibit B to this Motion. Additionally, as required by the Sealing Order, unredacted versions of the Memorandum of Law and Exhibit 2 to the Demers Declaration are being filed under seal, with the portions of the Memorandum of Law proposed to be redacted highlighted. The undersigned certify that unredacted versions of the papers sought to be filed under seal are being served on counsel for Plaintiffs by email.

WHEREFORE, Extreme respectfully requests that this Court grant its motion and seal the redacted portions of the Memorandum of Law.

DATED: March 16, 2023
New York, New York

J. Chadwick Hatmaker, BPR# 018693
Kaitlyn E. Hutcherson, BPR# 035188
WOOLFE, MCLANE, BRIGHT,
ALLEN & CARPENTER, PLLC
Post Office Box 900
Knoxville, Tennessee 37901-0900
Tel: (865) 215-1000
Fax: (865) 215-1001
chatmaker@wmbac.com
khutcherson@wmbac.com

Respectfully Submitted,

/s/ Leslie A. Demers

John M. Neukom (*admitted pro hac vice*)
Barbara N. Barath (*admitted pro hac vice*)
DEBEVOISE & PLIMPTON LLP
650 California Street
San Francisco, California 94108
jneukom@debevoise.com
bnbarath@debevoise.com
(415) 738-5700

Leslie A. Demers (*admitted pro hac vice*)
Chris J. Coulson (*admitted pro hac vice*)
Anthony P. Biondo (*admitted pro hac vice*)
Ryan P. Bisailon (*admitted pro hac vice*)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Manhattan West
New York, New York 10001
leslie.demers@skadden.com
chris.coulson@skadden.com
anthony.biondo@skadden.com
ryan.bisailon@skadden.com
(212) 735-3000

Attorneys for Extreme Networks, Inc.